

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/579,099

(U.S. Nat'l Phase of Int'l Appl.  
No. PCT/EP2004/012646)

Int'l Filing Date: November 9, 2004

For: **2-Ethyl-4,6-Dimethyl-Phenyl-  
Substituted Tetramic Acid  
Derivatives as Pest Control Agents  
and/or Herbicides**

Confirmation No.: 6737

Art Unit: *To be Assigned*

Examiner: *To be Assigned*

Atty. Docket: 2400.0400000/VLC/THN

**Information Disclosure Statement  
under 37 C.F.R. § 1.97(b)**

*Mail Stop PCT*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP53** and **NPL1** to **NPL33** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patents and a patent application publication cited on the attached Form PTO/SB/08A, documents **US1** to **US3**, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1** to **FP6**, **FP8** to **FP20**, **FP22** to **FP23**, **FP25** to **FP53**, **NPL2**, and **NPL7**, cited on Forms PTO/SB/08A and PTO/SB/08B:

Document **FP1**, DE 2 218 097, is in the German language. An English language abstract of document FP1 is cited as document **NPL10** and submitted herewith.

Document **FP2**, DE 2 350 547, is in the German language. An English language abstract of document FP2 is cited as document **NPL11** and submitted herewith.

Document **FP3**, EP 0 086 750 A2, is in the German language. An English language abstract of document FP3 is cited as document **NPL12** and submitted herewith.

Document **FP4**, EP 0 094 349 A2, is in the German language. An English language abstract of document FP4 is cited as document **NPL13** and submitted herewith.

Document **FP5**, EP 0 174 562 A2, is in the German language. An English language abstract of document FP5 is cited as document **NPL14** and submitted herewith.

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Document **FP9**, EP 0 331 131 A1, is in the German language. An English language abstract of document FP9 is cited as document **NPL17** and submitted herewith.

Document **FP10**, EP 0 346 620 A1, is in the German language. An English language abstract of document FP10 is cited as document **NPL18** and submitted herewith.

Document **FP11**, EP 0 355 599 A1, is in the German language. An English language abstract of document **FP11** is cited as document **NPL19** and submitted herewith.

Document **FP12**, EP 0 377 893 A2, is in the German language. An English language abstract of document **FP12** is cited as document **NPL20** and submitted herewith.

Document **FP13**, EP 0 415 211 A2, is in the German language. An English language abstract of document **FP13** is cited as document **NPL21** and submitted herewith.

Document **FP14**, WO 91/07874 A1, is in the German language. An English language abstract of document **FP14** can be found on the face page of the published patent application.

Document **FP15**, WO 91/08202 A1, is in the German language. An English language abstract of document **FP15** can be found on the face page of the published patent application.

Document **FP16**, EP 0 442 073 A2, is in the German language. An English language abstract of document **FP16** is cited as document **NPL22** and submitted herewith.

Document **FP17**, EP 0 442 077 A2, is in the German language. An English language abstract of document **FP17** is cited as document **NPL23** and submitted herewith.

Document **FP18**, EP 0 456 063 A2, is in the German language. An English language abstract of document FP18 is cited as document **NPL24** and submitted herewith.

Document **FP19**, EP 0 492 366 A2, is in the German language. An English language abstract of document FP19 is cited as document **NPL25** and submitted herewith.

Document **FP20**, EP 0 521 334 A1, is in the German language. An English language abstract of document FP20 is cited as document **NPL26** and submitted herewith.

Document **FP22**, EP 0 582 198 A2, is in the German language. An English language abstract of document FP22 is cited as document **NPL27** and submitted herewith.

Document **FP23**, EP 0 596 298 A2, is in the German language. An English language abstract of document FP23 is cited as document **NPL28** and submitted herewith.

Document **FP25**, EP 0 613 884 A2, is in the German language. An English language abstract of document FP25 is cited as document **NPL29** and submitted herewith.

Document **FP26**, EP 0 613 885 A2, is in the German language. An English language abstract of document FP26 is cited as document **NPL30** and submitted herewith.

Document **FP27**, WO 94/29268 A1, is in the German language. An English language abstract of document FP27 can be found on the face page of the published patent application.

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Document **FP31**, EP 0 668 267 A1, is in the German language. An English language abstract of document FP31 is cited as document **NPL31** and submitted herewith.

Document **FP32**, WO 95/26954 A1, is in the German language. An English language abstract of document FP32 can be found on the face page of the published patent application.

Document **FP33**, WO 96/25395 A1, is in the German language. An English language abstract of document FP33 can be found on the face page of the published patent application.

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Document **FP35**, WO 97/01535 A1, is in the German language. An English language abstract of document FP35 can be found on the face page of the published patent application.

Document **FP36**, WO 97/02243 A1, is in the German language. An English language abstract of document FP36 can be found on the face page of the published patent application.

Document **FP37**, WO 97/36868 A1, is in the German language. An English language abstract of document FP37 can be found on the face page of the published patent application.

Document **FP38**, WO 97/43275 A2, is in the German language. An English language abstract of document FP38 can be found on the face page of the published patent application.

Document **FP39**, DE 196 21 522 A1, is in the German language. An English language abstract of document FP39 is cited as document **NPL32** and submitted herewith.

Document **FP40**, WO 98/05638 A2, is in the German language. An English language abstract of document FP40 can be found on the face page of the published patent application.

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Document **FP43**, WO 99/16748 A1, is in the German language. An English language abstract of document FP43 can be found on the face page of the published patent application.

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Document **FP48**, WO 99/66795 A1, is in the German language. An English language abstract of document FP48 can be found on the face page of the published patent application.

Document **FP49**, WO 01/09092 A1, is in the German language. An English language abstract of document FP49 can be found on the face page of the published patent application.

Document **FP50**, WO 01/17972 A2, is in the German language. An English language abstract of document FP50 can be found on the face page of the published patent application.

Document **FP51**, WO 01/23354 A2, is in the German language. An English language abstract of document FP51 can be found on the face page of the published patent application.

Document **FP52**, WO 01/74770 A1, is in the German language. An English language equivalent of document FP52 is listed as document **US3**.

Document **FP53**, WO 03/013249 A1, is in the German language. An English language abstract of document FP53 can be found on the face page of the published patent application.

Document **NPL2**, Compagnon, P.L. and Miocque, M., "Addition Des Réactifs Nucléophiles Sur La Triple Liaison Nitrile," *Annales de Chimie* 5:11-22, Masson-Periodiques (1970), is in the French language. An English language abstract of document NPL2 can be found on the face page of the article.



Document **NPL7**, Schmierer, R. and Mildenerger, H., "Cyclisierung von *N*-Acylalanin- und *N*-Acylglycinesterne," *Liebigs Ann. Chem.* 1985:1095-1098, VCH Verlagsgesellschaft mbH (1985), is in the German language. An English language abstract of document NPL7 can be found on the face page of the article.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Information Disclosure Statement Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

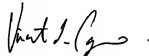
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 2/14/07

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Sheet	4	of	6
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Application Number

10/579 099

(U. S. Nat'l Phase of Int'l Appl.  
No. PCT/EP2004/012646)

Int'l Filing Date

November 9, 2004

First Named Inventor

FISCHER, Reiner

Art Unit

### To be Assigned

Examiner Name \_\_\_\_\_

### To be Assigned

Attorney Docket Number

2400.0400000/VLC/THN

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	T <sup>2</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY		
	FP28	WO 95/01971 A1	01/19/1995	Bayer Aktiengesellschaft and Bachmann <i>et al.</i>	Abs
	FP29	WO 95/07897 A1	03/23/1995	Hoechst Schering AgrEvo GmbH	Abs
	FP30	WO 95/20572 A1	08/03/1995	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP31	EP 0 668 267 A1	08/23/1995	Bayer AG	Abs
	FP32	WO 95/26954 A1	10/12/1995	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP33	WO 96/25395 A1	08/22/1996	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP34	WO 96/35664 A1	11/14/1996	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP35	WO 97/01535 A1	01/16/1997	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP36	WO 97/02243 A1	01/23/1997	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs

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		Filing Date	November 9, 2004
		First Named Inventor	FISCHER, Reiner
		Art Unit	To be Assigned
		Examiner Name	To be Assigned
Sheet	1 of 4	Attorney Docket Number	2400.0400000/VLC/THN

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Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Bhattacharya, B., "Isoquinoline Derivatives: Part XVIII—Formation of 1-Alkyl-(or alkaryl or aryl)-3-methyl-7-chloro-(or 5-chloro)-isoquinolines," <i>Indian J. Chem.</i> 6:341-345, Council of Scientific & Industrial Research (1968)	
	NPL2	Compagnon, P.L. and Miocque, M., "Addition Des Réactifs Nucléophiles Sur La Triple Liaison Nitrile," <i>Annales de Chimie</i> 5:11-22, Masson - Periodiques (1970)	Abs
	NPL3	Harrison, H.R., et al., "Use of molecular sieves in the methyl esterification of carboxylic acids," <i>Chem. Ind.</i> 45:1568, Society of Chemical Industry (1968)	
	NPL4	Lee, S., et al., "Palladium-Catalyzed $\alpha$ -Arylation of Esters and Protected Amino Acids," <i>J. Am. Chem. Soc.</i> 123:8410-8411, American Chemical Society (2001)	
	NPL5	Lloyd-Jones, G.C., "Palladium-Catalyzed $\alpha$ -Arylation of Esters: Ideal New Methodology for Discovery Chemistry," <i>Angew. Chem. Int. Ed.</i> 41:953-956, Wiley-VCH Verlag GmbH (2002)	
	NPL6	Moradi, W.A. and Buchwald, S.L., "Palladium-Catalyzed $\alpha$ -Arylation of Esters," <i>J. Am. Chem. Soc.</i> 123:7996-8002, American Chemical Society (2001)	
	NPL7	Schmierer, R. and Mildenberger, H., "Cyclisierung von N-Acylalanin- und N-Acylglycinestern," <i>Liebigs Ann. Chem.</i> 1985:1095-1098, VCH Verlagsgesellschaft mbH (1985)	Abs
	NPL8	Sonntag, N.O.V., "The Reactions of Aliphatic Acid Chlorides," <i>Chem. Rev.</i> 52:237-416, American Chemical Society (1953)	
	NPL9	Suzuki, S. et al., "Studies on Antiviral Agents. IV. Biological Activity of Tenuazonic Acid Derivatives," <i>Chem. Pharm. Bull.</i> 15:1120-1122, Pharmaceutical Society of Japan (1967)	

Examiner Signature	/Valerie Rodriguez-garcia/	Date Considered	02/06/2009
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		Filing Date	November 9, 2004		
		First Named Inventor	FISCHER, Reiner		
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Sheet	2	of	4	Attorney Docket Number	2400.0400000/VLC/THN

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	NPL10	Dialog File 351, Accession No. 502720, Derwent WPI English language abstract for DE 2 218 097 (listed on accompanying PTO/SB/08A as document FP1)	
	NPL11	Dialog File 351, Accession No. 629712, Derwent WPI English language abstract for DE 2 350 547 (listed on accompanying PTO/SB/08A as document FP2)	
	NPL12	Dialog File 351, Accession No. 2714950, Derwent WPI English language abstract for EP 0 086 750 A2 (listed on accompanying PTO/SB/08A as document FP3)	
	NPL13	Dialog File 351, Accession No. 2777922, Derwent WPI English language abstract for EP 0 094 349 A2 (listed on accompanying PTO/SB/08A as document FP4)	
	NPL14	Dialog File 351, Accession No. 3892231, Derwent WPI English language abstract for EP 0 174 562 A2 (listed on accompanying PTO/SB/08A as document FP5)	
	NPL15	Dialog File 351, Accession No. 3770049, Derwent WPI English language abstract for EP 0 191 736 A2 (listed on accompanying PTO/SB/08A as document FP6)	
	NPL16	Dialog File 351, Accession No. 4372286, Derwent WPI English language abstract for EP 0 269 806 A1 (listed on accompanying PTO/SB/08A as document FP8)	
	NPL17	Dialog File 351, Accession No. 4889149, Derwent WPI English language abstract for EP 0 333 131 A1 (listed on accompanying PTO/SB/08A as document FP9)	
	NPL18	Dialog File 351, Accession No. 4963457, Derwent WPI English language abstract for EP 0 346 620 A1 (listed on accompanying PTO/SB/08A as document FP10)	

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Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				Application Number	10/579,099 (U. S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/012646)
				Filing Date	November 9, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	To be Assigned
				Examiner Name	To be Assigned
Sheet	3	of	4	Attorney Docket Number	2400.0400000/VLC/THN

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T <sup>2</sup>
	NPL19	Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP11)	
	NPL20	Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2 (listed on accompanying PTO/SB/08A as document FP12)	
	NPL21	Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP13)	
	NPL22	Dialog File 351, Accession No. 5637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP16)	
	NPL23	Dialog File 351, Accession No. 5637204 Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP17)	
	NPL24	Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP18)	
	NPL25	Dialog File 351, Accession No. 5984812, Derwent WPI English language abstract for EP 0 492 366 A2 (listed on accompanying PTO/SB/08A as document FP19)	
	NPL26	Dialog File 351, Accession No. 6600806, Derwent WPI English language abstract for EP 0 521 334 A1 (listed on accompanying PTO/SB/08A as document FP20)	

Examiner Signature	/Valerie Rodriguez-garcia/	Date Considered	02/06/2009
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Sheet	4	of	4	Attorney Docket Number	2400.0400000/VLC/THN

NON PATENT LITERATURE DOCUMENTS		
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	NPL27	Dialog File 351, Accession No. 6665683, Derwent WPI English language abstract for EP 0 582 198 A2 (listed on accompanying PTO/SB/08A as document FP22)
	NPL28	Dialog File 351, Accession No. 6975167, Derwent WPI English language abstract for EP 0 596 298 A2 (listed on accompanying PTO/SB/08A as document FP23)
	NPL29	Dialog File 351, Accession No. 6979861, Derwent WPI English language abstract for EP 0 613 884 A2 (listed on accompanying PTO/SB/08A as document FP25)
	NPL30	Dialog File 351, Accession No. 6979862, Derwent WPI English language abstract for EP 0 613 885 A2 (listed on accompanying PTO/SB/08A as document FP26)
	NPL31	Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract for EP 0 668 267 A1 (listed on accompanying PTO/SB/08A as document FP31)
	NPL32	Dialog File 351, Accession No. 9053979, Derwent WPI English language abstract for DE 196 21 522 A1 (listed on accompanying PTO/SB/08A as document FP39)
	NPL33	International Search Report for International Application No. PCT/EP2004/012646, European Patent Office, Netherlands, mailed on February 18, 2005

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Examiner Signature	/Valerie Rodriguez-garcia/	Date Considered	02/06/2009
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